

OCT 07 2021

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

To:

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT****UNITED STATES OF AMERICA Vs. XAVIER BROWN
Case#4:21259RLW/SRW*****Demand for Bill of Particulars
Nature and Cause of Accusation*****U.S. Constitution 6th Amendment*****NOT A DISCOVERY MOTION !!!******Amended Demand for Bill of Particulars
Nature and Cause of Accusation***

Comes now the Accused, Xaiviar Brown, a lawful de jure, jus sanguinis State Citizen in his own proper person sui juris pursuant to the ***unpurviewed 6th Article of the Bill of Rights, the 9th Article of Amendment*** to, the ***Constitution for the united States{1787-1791}*** and other applicable provisions of law, to demand of the Your County District Attorney and/or territorial Attorney General a Bill of Particulars regarding the nature and cause of the accusations in the hereinabove mentioned citation in order that the Accused might be able enter a ***voluntary, knowing*** and ***intelligent*** plea to the charges, ostensibly some or another alleged commercial 'crimes', in order that s/he thus be able to put on a ***meaningful*** and ***substantive*** defense to the charges therein in order that s/he not be deprived of life, liberty, or property without ***judicial*** process and be thereby subjected to a Bill of Attainder or a Bill of Pains & Penalties, (***Article I,***

Section 9 or 10, as the case may be, of the *Constitution for the united States {1787-1791}* , and/or be caused to lose his/her own court (*Magna Charta, Article 34*).

In the alternative, the Accused will expect a written notice of dismissal of all charges and a written order to Your DA to cease and desist all activities pursuant to Case No.4:21CR259RLW/SRW.

To this end, the following questions are specifically posed, to wit (not an exhaustive list):

1. What is the jurisdiction and venue of the alleged causes of action in the instant citation ?? Keep firmly in mind those mentioned in *Article III of the Constitution for the united States {1787-1791}* -- (see e.g. *US v Hudson 7 Cranch 32*).
2. What provision(s) of the Constitution (Federal and/or 'state') confers authority to proceed in this jurisdiction ??
3. In what way does the person ("person" ?) of the Accused attach to the statute(s) sought to be enforced against him ?
4. Does the word "person" mean the same thing in the statute(s) allegedly violated as it does in Sec. 1 of the *NON*-existent 14th *war* "amendment", e.g. a "corporation"; *IF* not, why not ?
5. If so, where are the *Articles of Incorporation* for Petitioner, and has Petitioner's *Designated Agent for Service of Process* been served ??
6. Produce a copy of the alleged Birth Certificate of Petitioner issued by any agency of government, noting if this Birth Certificate has been '*monetized*', most particularly with a *CUSIP* number, *UCC* and/or *UPN* code, by at least the US Department of Labor; if so, then the only 'relationship' Petitioner has is that of a name holder, thus the *OWNER* of such Birth Certificate is the *RESPONSIBLE* party who is subject to prosecution in the instant case for at least any and all commercial 'crime(s)' as have been charged in the instant case.
7. Is there a right to (*effective* ?) assistance of counsel in the instant case ? If so what provision of the Constitution (Federal and/or 'state') secures such a right ?

8. Is there a right to a trial by jury according to the course of the common law, or otherwise, in the instant case and, if so, secured by what provision(s) of the ***Constitution for the united States {1787-1791}*** ??
9. From what pool(s) are members of Grand or petit juries summoned and do these juries function at common law ? If not, pursuant to what law do they function ?
10. given that the current jurisprudence of the supreme Court seems to say that there are ***NO*** limits on the commerce clause powers of Congress (***Wickard v Filburn 317 US 111*** – notwithstanding the later decision in ***US v Lopez 514 US 549***), that the Court has ruled that these commerce clause powers are ‘***closely*** associated with the ***admiralty*** jurisdiction’ (***NJ Steam v Merchants Bank 6 How. 344***), that admiralty was decried by the Colonists as a “jurisdiction ***foreign*** to our Constitution and ***unacknowledged*** by our laws” (***Declaration of Independence***) and that ***State judicial Courts*** of common law general jurisdiction are constitutionally ***barred*** from exercising admiralty, what is the ***factual foundation and legal basis*** for the trial “court” in the instant case to exercise this jurisdiction ?
11. Who is the alleged injured party or what constitutes the corpus delicti/scienter of the alleged “crime” and what loss of life, liberty, or property is purportedly alleged in the charges/citation as having been caused by the Accused ?
12. With ***NO*** provision of the bastardized version of the California Constitution allegedly currently in effect providing for process being in the name of the “People of the State of California”, on what authority are you proceeding to act to represent these “People” /aka/ “***ratification of commencement***” --***FRCP 17*** ??
13. What constitutes the ***consent of the governed*** {See e.g. ***Declaration of Independence 1776***} of any member of the de jure Body Politic to be regulated other than by the common law of England ?
14. What are each and every one of the elements of the “crime(s)” which the prosecution has to prove, and what are the definitions of any words and phrases in any alleged statutory acts, most particularly if different from the meanings of such words in everyday usage ??
15. what is the definition of “scienter”, most particularly in any allegedly applicable statute in which “***willfulness***” is an element, concentrating here on the “violation

of a **known** legal duty” ??

16. what is the nature of the instant action ?

- ☐ criminal
- ☐ civil
- ☐ quasi-criminal
- ☐ “other”

What is the factual foundation and legal basis for the ‘choice’ ?

17. what is the level of burden of proof necessary to get a “conviction” ?

- ☐ Beyond a reasonable doubt
- ☐ Clear and convincing
- ☐ Preponderance of evidence
- ☐ **NONE**

What is the factual foundation and legal basis to support this ‘choice’ ?

18. (check all boxes that apply)

- ☐ the nominal Plaintiff is “The People of the State of California”, yet the California Constitution allegedly currently in effect makes **NO** mention of who the “People of the State of California” are **AND** no mention of any authority for process to issue in the name of “The People of the State of California”. Accordingly, a factual foundation and legal basis is essential to establish both the Plaintiff and the alleged injured party to invoke at least the undisputed Right to confrontation and cross-examination;
- ☐ IF the nominal Plaintiff is the “State of California”, then **Article III, Section 2 of the Constitution for the united States** provides, in relevant part here “... and in **ALL** cases in which a State shall be a party, the supreme Court shall have **original** jurisdiction”; how can the trial “court” possibly have any jurisdiction in the instant case at all here ??
- ☐ the ‘law(s) attempted to be enforced here, either overtly in a criminal setting or in quasi-civil cases, are purportedly promulgated in the name of “The People of the

State of California” who are not only **NOT** defined anywhere in the California Constitution (1879), but such ‘laws’ are, for all apparent intents and purposes, Bills of Attainder which are flatly prohibited by **at least Article I, Section 9 or 10 , as the case may be, of the Constitution for the united States {1787-1791}**; how can any such allegedly applicable laws be applied in the instant case ??

19. What form of payment is accepted to “pay” the fine or, more accurately, to **discharge the obligation** for any fine and in what jurisdiction does such medium circulate ?
20. If an offer of discharge of the obligation for the fine is made, will the person accepting such offer be prepared to sign a receipt/declaration, **under penalty of perjury**, that binds the State or United States and estops it from bringing further suit against the Accused for “willfully” not paying the fine ??
21. What is a **CUSIP** number and how is it related to the case ?
22. What is the **CUSIP** number assigned to this case number and/or an **IRS 1040 and/or 1099OID Form** related thereto, and what legal significance do these items have ?
23. Has this case been “**monetized**” and, if so, by what agency(ies) and based on what lawful authority(ies) ??
24. Is this court an **Article I legislative** tribunal or an **Article III judicial Court** ??
25. What the a **Data Universal Numbering System (DUNS**, as in **Dun & Bradstreet**), and does this ‘court’ have a **DUNS** number and for **WHAT** purpose(s) ??
26. Does this ‘court’ and/or prosecutor have a **Commercial and Government Entity (CAGE)** Bank Account, and if so, for what purpose(s) and on what authority ?
27. Is this ‘court’ and/or prosecutor registered with the Department of Defense, seemingly very likely given that the **ONLY** jurisdiction being exercised herein emanates from the **WAR** Acts of the 39th **CON**gress, including the **Reconstruction Act of 1867** and the **NON**-existent 14th **war** “amendment” and, if so, for what purpose(s) ??
28. Is this ‘court’ **OWNED** by the **U.S. Attorney’s Executive Office in Washington DC**, seemingly likely in view of the fact that its jurisdiction appears to be limited

to *Article I, Section 8, Clause 17* ??

29. Is this “court” registered with the *Federal Reserve Bank of New York* and, if so, for what purpose(s) and on *what factual foundation and legal basis* ??
30. Is any ‘official’ actor involved in the process, most particularly any ‘state’ *BAR ASS*ociation attorneys, acting with any *Warrant of Attorney* and, if so, for what purpose(s) and on *what factual foundation and legal basis* ??
31. Are any and all documents as might have been filed in the instant case, including the *Birth Certificate* of the Accused, *securitized*, and, if so, for what purpose(s) and on what factual foundation and legal basis ??
32. Does any one element mentioned in Items 21-31, let alone all together, combine such that the Accused could be ‘judicially’ construed to have made a “*voluntary, knowing and intelligent*” waiver of *Rights secured by the CuS* (*THE* reference standard of the US supreme Court -- see e.g. *Johnson v Zerbst 304 US 458*) and, if so, on what factual foundation and legal basis ??
33. Does any one element mentioned in Items 21-31, let alone all together, combine such that the Accused could be ‘judicially’ construed to have become a “*hypothecator of goods or stipulator in the admiralty*” see e.g. *Bank of Columbia v Okely 4 Wheat. 235*; – seemingly *VERY* likely in that all ‘crimes’ are commercial (see e.g. *27 CFR 72.11* and/or that that *CON*gress’ commerce clause powers have been *egregiously, exponentially expanded* to cover virtually all activities today (see e.g. *Steward Machine v Davis 301 US 648*; *Wickard v Filburn 317 US 111*), and, if so, *on what factual foundation and legal basis* ??
34. Are other documents, such as marriage licenses, birth certificates, applications for credit, applications for Social (in)Security, and the like created by individuals also *monetized* ?? Are any or all of these associated with the jurisdiction of the court ?
35. And if “money”, in the form of debt has thus been created, and created based on the signature of an individual, why is that individual not credited with the creation of such “money” or, if so credited, into what account is such “money” placed ?
36. Is there in existence an artificial, corporate entity known as “The Superior Court for the *Your* County, or the functional equivalent thereof ??
37. If so, has this entity been recognized by, among other commercial banking entities, Dun & Bradstreet, pursuant to some or another registration process ??

38. If so, is this entity a “for profit corporation” ??
39. If so, where can documents recording the ‘official’ existence of this entity be obtained and/or subpoenaed ??
40. What is the **CRIS** number of the trial “court” (**Court Registry Investment System**), in what jurisdiction does it operate, and is this ‘court’ registered in the **District of Columbia** ??
41. What is the **D-U-N-S** number (**Dun and Bradstreet ID No.**) for the trial ‘court’, and is this number only available to **commercial** entities ?
42. Is the trial ‘court’ and/or any other purported state court, registered in the **District of Columbia** and, if so, on **WHAT** authority ??
43. Given that the record will establish that **California** is **NOT** a State admitted into “**this Union**”, and thus is, at **best** (!), a **federal (insular ?) territorial possession**, all officers of such territorial government are required to be appointed by the President, and/or a territorial Governor appointed by the President; accordingly Petitioner wishes to be presented with a **certified** copy of appointments of **ALL** ‘official’ actors in this case and **certified** copies of their Oaths of Office; on request, Petitioner will present a **Supplementary Brief on Admission of New States** which, in concert with Petitioner’s **Motion to Dismiss and Brief on the 14th Amendment**, will establish this position;
44. In addition, Petitioner wishes to be presented with **certified** copies of Oaths of Office **ALL** ‘official’ actors as **mandated** by at least 4 USC 101;

This list of questions shall not be construed to be all inclusive and any and all other questions pertaining to this Bill of Particulars are likewise demanded to be answered as well.

Consistent with and pursuant to the obligations of the government relative to the administration of ‘criminal ‘law the answers to the above questions, in clear and

unambiguous terms, will be expected in a timely manner prior to any attempt at arraignment, consistent with the obligations imposed by the Constitution.

It would be well to keep in mind the words of the supreme Court of the united States regarding the duties of a public prosecutor:

“The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern all; and whose interests, therefore, in a criminal prosecution *is not that it shall win a case, but that justice shall be done*. As such, he is in a peculiar and very definite sense a servant of the law, the twofold aim of which is that guilt shall not escape nor innocence suffer. He may prosecute with earnestness and vigor -- indeed -- he should do so. But while he may strike hard blows he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.”

US v Berger 295 US 78

“Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. *In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously*. Our government is the potent, omnipresent teacher. For good or ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law, it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means -- to declare that the government may commit crimes in order to secure the conviction of a private criminal -- would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face.

Olmstead v US 277 US 438

Attention is also drawn to the case of *US v Smith 776 Fed 2nd 1104* in which the court opined, about the importance of the Bill of Particulars, that:

“Historically and functionally, the Bill of Particulars is closely related to the indictment. Bills of Particulars, relative to indictments, have a brief history. Nevertheless, that history closely ties the Bill of Particulars to the indictment. Originally, indictments set forth the accusation in great

detail and there was no need for supplementation. The modern trend, however, has been towards *more skeletal accusations* (to conceal martial law jurisdiction ?? -- ed) combined with procedures providing access to omitted details if the defense has a legitimate need for them. FRCrP(7)(f) provides the opportunity for such access. That rule authorizes the court to "direct the filing of a Bill of Particulars". This is in *marked contrast* to the provisions of Rule 16, which authorizes the court to direct that the government "furnish to the defendant certain items of discovery."

The US supreme Court has also cast favor on the Bill of Particulars in the case of *Coffin v US 156 432*, noting that:

"It is always open to the defendant to move the judge before whom the trial is had to order the prosecuting attorney to give a more particular description, in the nature of a specification or bill of particulars, of the acts on which he intends to rely, and to suspend the trial until this can be done, and such an order will be made whenever it appears to be necessary to enable the defendant to meet the charge against him, or to avoid danger of injustice."

And this is true a fortiori when, for all apparent intents and purposes, *ALL* 'crimes' are now subject to *commercial* (!!?) jurisdiction – see e.g. *27 CFR 72.11*, with commerce closely associated with the admiralty jurisdiction, which State Courts are Constitutionally *BARRED* from exercising (*Article III, Section 2*).

Also from *Coffin*, and seemingly dispositive pursuant to the Right to Trial by Jury:

"Let all accusers understand that they are not to prefer charges unless they can be proven by proper witnesses or by conclusive documents, or by circumstantial evidence which amounts to indubitable proof and is clearer than day."

Ammianus Marcellinus relates an anecdote of the Emperor Julian which illustrates the enforcement of this principle in the Roman law. Numerius, the Governor of Narbonensis, was on trial before the emperor, and, *contrary to the usage in criminal cases, the trial was public. Numerius contented himself with denying his guilt, and there was not sufficient proof against him. His adversary, Delphidius, "a passionate man," seeing that the failure of the accusation was inevitable, could not restrain himself, and exclaimed, "Oh, illustrious Caesar, if it is sufficient to deny, what hereafter will become of the guilty?"* to which Julian replied, *"If it suffices to accuse, what will become of the innocent?"*

"As men do not generally violate the Penal Code, the law presumes every man innocent; but some men do transgress it, and therefore evidence is received to repel this presumption. This

legal presumption of innocence is to be regarded by the jury in every case as matter of evidence to the benefit of which the party is entitled."

"In the investigation and estimate of criminal evidence, there is an antecedent prima facie presumption in favor of the innocence of the party accused, grounded in reason and justice not less than in humanity, and recognized in the judicial practice of all civilized nations, which presumption must prevail until it be destroyed by such an overpowering amount of legal evidence of guilt as is calculated to produce the opposite belief."

In addition, with multiple jurisdictions existing pursuant to at least federal law, the matter of jurisdiction and venue is a prime issue, if timely challenged, as stated in *U.S. v Tully 140 Fed. Rptr. 899,905*:

"It is unfortunate that a ***murderer*** should go unwhipped of justice but it would be yet ***more*** unfortunate if any court should assume to try one charged with a crime without jurisdiction over the offense."

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Certificate Of Service

I Xaiviar from the family Brown hereby certify that on 7 the day of October, 2021 the foregoing document named, DEMAND FOR BILL OF PARTICULARS NATURE AND CAUSE OF ACCUSATION was filed in the court of the UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF MISSOURI, EASTERN DIVISION and a copy was mailed out by (USPS. Certified mail)to Linda R. Lane at 111 South 10th St., Saint Louis ,Mo. 63102 and ERIC SCHMITT ,ATTORNEY GENERAL OF MISSOURI at the Missouri Attorney General's Office Supreme Court Building W. High St. ,P.O. Box 899 ,JEFFERSON CITY MO. 65102 on the record.

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